



Entered on Docket
April 11, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

1
2
3
4
5
6
7
8 PITE DUNCAN, LLP
9 EDDIE R. JIMENEZ (NV Bar #10376)
10 ACE VAN PATTEN (NV Bar #11731)
11 701 Bridger Avenue, Suite 700
12 Las Vegas, Nevada 89101
13 Telephone: (858) 750-7600
14 Facsimile: (619) 590-1385
15 E-mail: ecfnvb@piteduncan.com

16 MAILING ADDRESS:
17 4375 Jutland Drive, Suite 200
18 P.O. Box 17933
19 San Diego, California 92177-0933

20 Attorneys for Secured Creditor WELLS FARGO BANK, N.A. ALSO KNOWN AS
21 WACHOVIA MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A,
22 AND FORMERLY KNOWN AS WACHOVIA MORTGAGE
23 FSB, FORMERLY KNOWN AS WORLD SAVINGS BANK, FSB

24 UNITED STATES BANKRUPTCY COURT

25 DISTRICT OF NEVADA

26 In re

27 WENDY C. BENAVIDES ,

28 Debtor(s).

Bankruptcy Case No. BK-S-10-13271-lbr
Chapter 13

WELLS FARGO BANK, N.A. ALSO
KNOWN AS WACHOVIA
MORTGAGE, A DIVISION OF WELLS
FARGO BANK, N.A, AND FORMERLY
KNOWN AS WACHOVIA MORTGAGE
FSB, FORMERLY KNOWN AS WORLD
SAVINGS BANK, FSB'S ORDER
TERMINATING AUTOMATIC STAY
Date: March 30, 2011
Time: 10:30 a.m.

1 A hearing on Secured Creditor Wells Fargo Bank, N.A. also known as Wachovia
2 Mortgage, a division of Wells Fargo Bank, N.A, and formerly known as Wachovia Mortgage
3 FSB, formerly known as World Savings Bank, FSB's Motion for Relief From the Automatic
4 Stay came on regularly for hearing in the United States Bankruptcy Court before the Honorable
5 Linda B. Riegle, Matthew M. McArthur appearing on behalf of Secured Creditor.

6 The court having duly considered the papers and pleadings on file herein and
7 being fully advised thereon and finding cause therefor:

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

9 The automatic stay of 11 United States Code section 362 is hereby immediately
10 terminated as it applies to the enforcement by Movant of all of its rights in the real property
11 under the Note and Deed of Trust encumbering the real property commonly known as 7200 John
12 Glenn Cir, Las Vegas, Nevada 89145 ("Real Property"), which is legally described as:

13 LOT EIGHT (8) IN BLOCK THREE (3) OF
14 CHARLESTON RAINBOW UNIT NO. 11-E, AS
15 SHOWN BY MAP THEREOF ON FILE IN BOOK
16 17 OF PLATS, PAGE 16 IN THE OFFICE OF
THE COUNTY RECORDER OF CLARK
COUNTY, NEVADA.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant and/or
18 its foreclosure trustee shall mail written notice of the time, date and place of the foreclosure sale
19 of the Real Property to the Debtor(s) at the address for the Real Property at least 7 calendar days
20 prior to the foreclosure sale. In the event that Movant and/or its foreclosure trustee provides at
21 least 7 calendar days' advance notice of the time, date and place of the foreclosure sale of the
22 Real Property in compliance with the notice requirements set forth in Chapter 107 of Nevada
23 Revised Statutes, those notices shall be sufficient to satisfy the requirement of this Court to
24 provide 7 days' notice to the Debtor(s).

25 /././

26 /././

27 /././

28 /././

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant may offer and provide Debtor with information re: a potential Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement with Debtor. However, Movant may not enforce, or threaten to enforce, any personal liability against Debtor if Debtor's personal liability is discharged in this bankruptcy case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon entry of this Order, the Trustee shall cease payment on Secured Creditor's Proof of Claim. Secured Creditor's Proof of Claim is allowed in the amount of payments made to date by the Trustee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon disposition of the Real Property, Secured Creditor may amend said Proof of Claim and share in any distribution from the date of the filing of the amended Claim pursuant to the confirmed Plan.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustee is not required to recover previous distributions from other creditors for distribution on Secured Creditor's amended claim. This may result in a percentage of payment on Secured Creditor's amended Claim different than to other creditors.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this order shall be binding and effective and supersede any subsequently entered confirmation order that confirms a Chapter 13 Plan of Reorganization providing for the treatment of Movant's claim.

APPROVED/DISAPPROVED	APPROVED/DISAPPROVED
----------------------	----------------------

MICHAEL J. DAWSON
DEBTOR(S) ATTORNEY

RICK A. YARNALL
TRUSTEE

///

///

///

///

1 In accordance with LR 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirement set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing,
6 and any unrepresented parties who appeared at the hearing, and each has approved or
7 disapproved the order, or failed to respond, as indicated below [list each party and whether the
8 party has approved, disapproved, or failed to respond to the document]:
9

10 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order
11 with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of
12 the order.

13 ☐ Approved.

14 ☐ Disapproved.

15 ☒ Failed to respond. - Debtor's Attorney/Trustee

16
17 #####

18 Submitted by:

19 /s/ MATTHEW M. MCARTHUR
20 4375 Jutland Drive, Suite 200
21 P.O. Box 17933
22 San Diego, CA 92177-0933
23 (858) 750-7600
24 NV Bar #11731
25 Attorney for WELLS FARGO
26 BANK, N.A. ALSO KNOWN AS
27 WACHOVIA MORTGAGE, A
28 DIVISION OF WELLS FARGO
BANK, N.A, AND FORMERLY
KNOWN AS WACHOVIA
MORTGAGE FSB, FORMERLY
KNOWN AS WORLD SAVINGS
BANK, FSB